

Message Text

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ACTION ARA-10

INFO OCT-01 IO-11 ISO-00 DHA-02 HEW-04 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

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TO SECSTATE WASHDC 8181

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C O N F I D E N T I A L SANTIAGO 2929

EO 11652: GDS

TAGS: CI, SHUM, PINT

SUBJ: GOC EFFORTS TO CONTROL HUMAN RIGHTS ABUSES

REF: SANTIAGO A-34

1. GENERALLY RELIABLE CHILEAN ATTORNEY PROMINENT IN DEFENSE OF POLITICAL/SECURITY CASES BEFORE MILITARY TRIBUNALS TOLD EMBOFF THIS WEEK THAT HE HAS BEEN ASKED SEVERAL TIMES TO DEFEND MILITARY PERSONNEL AND CARABINEROS WHO ARE THEMSELVES UNDERGOING COURT-MARTIAL FOR ABUSES OF HUMAN RIGHTS. HE HAS RELUCTANTLY ACCEPTED SUCH CASES FROM SENSE OF PROFESSIONAL DUTY AND TO ESTABLISH HIS "OBJECTIVITY" WITH GOC SO AS BETTER TO SERVE HIS OTHER CLIENTS.

2. WITH REQUEST THAT INFORMATION BE TREATED VERY CAREFULLY SO AS NOT TO IDENTIFY HIM AS SOURCE, HE SAID THAT HE IS CURRENTLY DEFENDING "AN OFFICIAL" IN A SECRET MILITARY TRIAL WHO IS CHARGED WITH "GRAVE OFFENSES, INCLUDING ELIMINATION OF PRISONERS." HE BELIEVES GOC IS UNWILLING TO OPEN OR PUBLICIZE SUCH TRIALS, EVEN THOUGH IT RECOGNIZES POSSIBLE BENEFITS FROM DOING SO, BECAUSE IT FEARS ONE PIECE OF EVIDENCE MIGHT LEAD TO ANOTHER AND MORE AND MORE ABUSES WOULD BE UNCOVERED. A DEFENDANT IN SUCH A TRIAL MIGHT WELL CLAIM THAT HE ACTED
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UNDER ORDERS, THAT ABUSE WAS COMMON PRACTICE, AND TRY TO

NAME OTHERS EQUALLY GUILTY, THUS DAMAGING REPUTATION OF
MILITARY AND POLICE INSTITUTIONS.

3. COMMENT: THIS IS FIRST CONFIRMATION FROM SOURCE IN WHICH
WE HAVE CONSIDERABLE CONFIDENCE THAT GOC HAS INDEED TAKEN
FORMAL DISCIPLINARY ACTION AGAINST A HUMAN RIGHTS VIOLATOR.
SUGGESTED GOC RATIONALE FOR KEEPING TRIAL SECRET SEEMS
CREDIBLE. SOURCE OF REPORT IS USUALLY STRONGLY CRITICAL OF
GOC, AND INDEED PRIMARY PURPOSE OF VISIT TO EMBOFF WAS TO
REPORT RECENT CASE OF DETENTION BY DINA WHICH VIOLATED ALL
ELEMENTS OF DECREE 187 CONCERNING ARREST WARRANT, NOTIFICATION
TO FAMILY, ETC.

4. LACKING DETAILS OF TRIAL IN WHICH LAWYER IS INVOLVED, WE
HAVE NO BASIS ON WHICH TO MAKE JUDGMENT ON WHAT IT MEANS IN
TERMS OF GOC POLICY ON TORTURE, KILLING, ETC. IT MAY BE THAT
SUCH TRIALS OF SECURITY FORCES PERSONNEL ARE AIMED AT THOSE
WHO ACT COMPLETELY WITHOUT AUTHORIZATION AND BEYOND ACCEPTED
LIMITS, OR OF COURSE THAT THERE IS INEED GOC POLICY TO TRY
ANYONE COMMITTING SUCH OFFENSES. IN ANY EVENT, WORD OF SUCH
TRIALS MUST FILTER THROUGH MILITARY AND POLICE RANKS AND
LIKELY TO HAVE SOME DETERRENT EFFECT.

5. APPROPRIATE NOTE MIGHT BE TAKEN OF THIS INFORMATION IN
EMBASSY'S REFERENCED AIRGRAM REPORTING STATUS OF HUMAN RIGHTS
PRACTICES IN CHILE.
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